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Report Highlights:

As a member of the European Union (EU), Poland follows all EU directives and regulations, with the exception of a few requirements. Therefore, it is recommended that this report be read in conjunction with the EU Food and Agricultural Import Regulations and Standards (FAIRS) report produced by the US Mission to the EU in Brussels, Belgium. The report is available at <http://useu.usmission.gov/agri/fairs.html>.

Includes PSD Changes: No
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Annual Report
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This report was prepared by the Office of Agricultural Affairs of the USDA/Foreign Agricultural Service in Warsaw, Poland for U.S. exporters of domestic food and agricultural products. While every possible care was taken in the preparation of this report, information provided may not be completely accurate either because policies have changed since its preparation, or because clear and consistent information about these policies was not available. It is highly recommended that U.S. exporters verify the full set of import requirements with their foreign customers, who are normally best equipped to research such matters with local authorities, before any goods are shipped. FINAL IMPORT APPROVAL OF ANY PRODUCT IS SUBJECT TO THE IMPORTING COUNTRY'S RULES AND REGULATIONS AS INTERPRETED BY BORDER OFFICIALS AT THE TIME OF PRODUCT ENTRY.

SECTION I. Harmonization with EU Requirements

Based on the EU single market principle, Poland, as a member of the EU, mostly adheres to EU regulations governing agro-food imports. There are a few exceptions. Exceptions can occur when a member country can substantiate a health concern about a product; there is leeway (actual or perceived) in how a member can interpret an EU directive; and when harmonized EU legislation is lacking, for example, for vitamins, minerals and pesticide residues. Wide variations in inspection fees, registration fees and in the time required to evaluate ingredients also exist between member countries. For these reasons, exporters are strongly encouraged to work closely with local importers. The following link contains more information on the harmonization of EU food regulations:

www.useu.be/agri/harmonization.html.

SECTION II. Requirements Specific to Poland

A. General Food Regulations

Most of the regulations relevant to food and agricultural imports into Poland have been harmonized with EU regulations.

Local regulations governing food products are contained in the Polish Food Law (Ustawa o Warunkach Zdrowotnych Żywności i Żywnienia) published on May 11, 2001, in the Polish Journal of Law 2001, nr. 63, pos. 634. Amendments are published in the Polish Journal of Law 2005, nr. 31, pos. 265, and nr. 178, pos. 1480, and the Polish Journal of Law 2006, nr. 171 pos. 1225. The text of these laws (in Polish) can be found at:

<http://www.abc.com.pl/serwis/du/2001/0634.htm>

<http://www.abc.com.pl/serwis/du/2005/0265.htm>

<http://www.abc.com.pl/serwis/du/2005/1480.htm>

<http://www.abc.com.pl/serwis/du/2006/1225.htm>

B. Labeling Requirements

Polish labeling regulations follow EU requirements. The basic law on food labeling was published on December 16, 2002 in the Polish Journal of Law 2002, nr. 220, pos. 1856 (link in Polish language only) and can be located at:

<http://www.abc.com.pl/serwis/du/2002/1856.htm>

This law was updated to comply with additional EU regulations. Updates can be found at: Polish Journal of Law 2004, nr. 58, pos. 563, dtd. April 23, 2004

<http://www.abc.com.pl/serwis/du/2004/0563.htm>

Polish Journal of Law 2004, nr. 162, pos. 1703, dtd. September 8, 2004

<http://www.abc.com.pl/serwis/du/2004/1703.htm>

Polish Journal of Law 2004, nr. 257, pos. 2577, dtd. December 18, 2004

<http://www.abc.com.pl/serwis/du/2004/0257.htm>

Polish Journal of Law 2005, nr. 180, pos. 1499, dtd. November 25, 2005

<http://www.abc.com.pl/serwis/du/2005/1499.htm>

Polish Journal of Law 2005, nr. 210, pos. 1751, dtd. October 27, 2005,

<http://www.abc.com.pl/serwis/du/2005/1751.htm>

Polish Journal of Law 2005, nr. 229, pos. 1953, dtd. November 25, 2005,

<http://www.abc.com.pl/serwis/du/2005/1953.htm>

- **Use by Dates:** Poland strictly enforces the EU date format requirement of dd/mm/year. The dates must be stated as best before ("najlepiej spozyc przed dd/mm/year"). For very perishable foods, the last day of consumption ("nalezy spozyc do dd/mm/year") must be marked on the label. Storage and use instructions must also appear on the label, as necessary. For example, storage instructions would be required on the label of a product that appeared to need refrigeration but, in fact, did not.

- **Diet Supplements:** Poland takes a much stricter approach with diet supplements labeling than other EU countries. Polish regulations require the wording "diet supplement" ("suplement diety") be used with the product brand name wherever the brand name is mentioned on the product label.

- **Alcoholic Beverages:** Polish officials currently are reviewing draft labeling regulations that will require all alcoholic beverages to carry a health warning under the main label on the front of the container. The label size has yet to be determined, but could be up to 20 percent of the container size. Enforcement is expected to begin some time in 2008. EU officials have yet to approve these requirements.

C. Products Derived from Biotechnology

In 2006, the Polish government banned the sale and registration of biotech seeds and, as of September 2008, will ban the importation of animal feed made from biotech crops. These regulations reportedly violate EU obligations and EU officials have begun infringement proceedings. Otherwise, Poland adheres to EU directives regulating biotechnology, especially those governing food products produced from biotech crops.

Polish officials oppose biotechnology use in agriculture and consistently vote against biotech products submitted by EU officials to member states for approval, even though the European Food Safety Authority (EFSA) has ruled they are safe. This trend is unlikely to change anytime soon. For more information about biotechnology in Poland see GAIN PL7037.

D. VAT and Excise

Poland has a Value Added Tax (VAT) for agricultural and food products. The VAT is applied in the same manner to both imported and domestically produced products and ranges from 3 percent to 22 percent, depending on the product. A lower VAT is applied to semi-processed commodities such as Non-Fat Dry Milk. A higher VAT is applied to processed commodities, such as bake mixes and retail products. Local VAT rates are similar to rates within other EU countries, but have not been harmonized and are unlikely to be so any time soon.

Poland's excise tax levels are higher than in most other EU countries. Imported products must have excise tax stickers on them before entering Poland. Once the product enters the country, the remainder of the tax must be paid.

Section III. Registration of Imported Food Products

A. New to Market Products

Regulations concerning new products introduced into Poland are specified in a regulation established by the Minister of Health, on April 26, 2004 (Polish Journal of Law 2004, nr. 104, pos. 1095). This regulation applies to domestic products, as well as, imported products. Novel food products must go through a different registration procedure with health authorities (Panstwowy Zaklad Higieny). [Note: Novel foods are foods and food ingredients

that have not been used for human consumption to a significant degree within the Community before May 15, 1997.]

An importer of a product new to the Polish market can request pre-approval (i.e., prior to export) of a product by submitting a letter to health authorities requesting a permit for product entry ("powiadomienie").

The following documentation is required to request a pre-approval permit:

- copy of invoice
- any required certificates (e.g. Meat and Poultry Export Certificate of Wholesomeness)
- producer's laboratory analysis, if available (Used to speed the clearance process.)
- draft Polish language label that includes all product ingredients

On average, the pre-approval process takes about one month and can speed entry of a product. If pre-approval clearance is not requested, full product testing may be implemented and the product held at the border until testing is completed.

If pre-approved, a product can be cleared at the Polish border with the following routine trade documentation:

- importer's request for sanitary inspection (3 copies)
- invoice
- transportation document e.g. airway bill
- Health Certificate/Phytosanitary Certificate/Microbiological Certificate
- Additional documentation from producer confirming products production standards (laboratory tests, certificates etc.)

A product not pre-approved for import requires the same documentation, but also will likely be subject to laboratory analysis and certification verification, which could take several weeks or longer. During this time, the product will be held by border officials and subject to storage fees, which could be significant.

Once an importer starts to import a product on a regular basis, not every shipment will need to be tested. Products of producers/importers with a clean record with local health authorities will be tested once a year or less frequently. Other products could be tested every 6 months after the first border control.

B. Products Already in the EU Market

If an importer of a product already present in the EU provides a letter from the producer confirming this fact, the product can be allowed to enter Poland without additional clearance. The producer must provide the confirmation and there is no special format for such a letter.

SECTION IV. FAS/Warsaw Contact Information

Please note that other reports containing additional information about marketing agricultural products in the Polish market are available at:

<http://www.fas.usda.gov/scripts/AttacheRep/default.asp>

For additional information, please contact:

Embassy of the United States of America
Office of Agricultural Affairs, Warsaw, Poland

Tel: 48-22 504-2336

Fax: 48-22 504-2320

Email: agwarsaw@usda.gov or agwarsaw@poczta.onet.pl

APPENDIX I – Government Regulatory Agency Contacts

Ministry of Agriculture and Rural Development
Office of the Minister
ul. Wspolna 30
00-930 Warsaw
Tel: 48-22 623-1000
Fax: 48-22 623-2750
Web page: <http://www.minrol.gov.pl/DesktopDefault.aspx>

Ministry of Agriculture and Rural Development
Department of Plant Breeding and Protection
Deputy Director, Wieslaw Podyma
Tel: 48-22 623-2554
Fax: 48-22 628-8784
www.minrol.gov.pl

Ministry of Agriculture and Rural Development
Department of Plant Breeding and Protection
GMO specialist, Marta Czarnak-Klos, Tel: 48-22 623-2166
GMO specialist, Malgorzata Wozniak, Tel: 48-22 623-2336
Fax: 48-22 628-8784
www.minrol.gov.pl

Ministry of Agriculture and Rural Development
Plant Quarantine and Seed Inspection
General Inspector, Mirosława Konicka
Tel: 48-22 623-2302, 623-2404
Fax: 48-22 623-2304
www.piorin.gov.pl

General Veterinary Inspectorate
Office of the Chief Veterinary Officer
Dr. Ewa Lech, CVO
ul. Wspolna 30
Warsaw
Tel: 48-22 623-2089
Fax: 48-22 623-1408
Email: wet@wetgiw.gov.pl
Web page: <http://www.wetgiw.gov.pl/englisz/index.htm>

State Inspectorate for Plant Protection and Seeds
(Panstwowa Inspekcja Ochrony Roslin i Nasiennictwa)
Ms. Mirosława Konicka, Chief Inspector
ul. Wspolna 30
Warsaw
Tel: 48-22 623-2302
Fax: 48-22 623-2304
Email: gi@piorin.gov.pl, piorin@piorin.gov.pl
Web page: <http://www.piorin.gov.pl/>

Główny Inspektorat Jakości Handlowej Artykułów Rolno Spożywczych
(Chief Inspectorate for Trade Quality Control of Agricultural Food Products)
Ms. Dorota Krzyzanowska
Department Director
ul. Wspólna 30
00-930 Warsaw
Tel: 48-22 623-2913
Fax: 48-22 623-2996
Email: dkrzyzanowska@ijhars.gov.pl, kgz@ijhars.gov.pl/
Web page: <http://www.ijhars.gov.pl/>

Main Sanitary Inspection (Główna Inspekcja Sanitarna - GIS)
Mr. Andrzej Wojtyła, Chief Sanitary Inspector
ul. Długa 38/40
00-238 Warsaw
Tel: 48-22 635-1559
Fax: 48-22 635-6194
Web page: <http://www.gis.gov.pl/english/index.htm>

Ministry of Environment
Department of Environmental Protection
Biotech Specialist, Agnieszka Dalbiak or Joanna Rybak
Tel: 48-22 579-2538 or 579-2723
Fax: 48-22 579-2555
Web page: www.mos.gov.pl

APPENDIX II - Other Import Specialist Contacts

National Food and Nutrition Institute
Section for Food and Nutrition Manager
ul. Powsinska 61/63
02-903 Warsaw
Tel: 48-22 651-6330 550-9620
Fax: 48-22 842-1103
Web page: <http://www.izz.waw.pl/izz/index.html>

State Hygiene Office- (Panstwowy Zaklad Higieny) - PZH
Prof. Jan Krzysztof Ludwicki, Vice Director, ph: 48-22 849-7084
ul. Chocimska 24
Warsaw
Tel: 48-22 849-4051 ext. 359, 339
Fax: 48-22 849-3513, 849-7441
Web page: <http://www.pzh.gov.pl/>

Voivodship Sanitary Station in Warsaw - SANEPID - actual tests & check ups
Mr. Zbigniew Kutyba, Voivodship Sanitary Inspector
ul. Zelazna 79
00-875 Warsaw
Tel: 48-22 620-1656, 620-9001 ext. 142
Fax: 48-22 654-7860
Web page: <http://www.wsse.waw.pl/>

Polish Center for Research and Certification
Ms. Ewa Slowinska
Manager Food Department
ul. Klobucka 23A
02-699 Warsaw
Tel: 48-22 464-5524, 857-9916, 647-0722
Fax: 48-22 464-5459, 647-1222, 647-1109
Email: cert.wyr@pcbc.gov.pl
Web page: www.pcbc.gov.pl